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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,466

Applicant(s)

PEARSON ET AL.

Examiner

Joseph Pan

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/06&2/16/06&m</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response filed on January 4, 2006 has been carefully considered. Claims 5, 9, 26-27 have been amended. New claims 34-37 have been added. Claims 1-37 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-6, 11-13, 16-22, 25, 28, 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Deep (U.S. Patent No. 6,393,412).

Referring to claims 1, 5, 19:

Deep teaches:

Apparatus for providing a private virtual room within which two or more parties can communicate electronically, the apparatus comprising:

Means for receiving a request from at least one party to provide said virtual room, said request including information regarding the proposed purpose of said virtual room (see column 2, lines 63-67; and column 3, lines 1-6 of Deep);

Means for verifying the legitimacy of said proposed purpose and providing said virtual room only if said proposed purpose meets one or more predetermined criteria (see column 3, lines 7-10 of Deep).

Referring to claims 2, 6:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Deep further discloses that the apparatus further comprises:

Means for receiving a request from at least one party to enter said virtual room (see column 3, lines 39-41 of Deep);

Means for defining predetermined criteria for entry into said virtual room (see column 3, lines 50-59 of Deep);

Means for permitting a party to enter said virtual room only if said party satisfies said predetermined common criteria (see figure 5, element 100 of Deep).

Referring to claim 11:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Deep further discloses that the apparatus adapted to provide a plurality of private virtual rooms upon demand, each of the virtual rooms being run in a logically and physically protected computing environment (see figure 3, element 62 of Deep).

Referring to claims 12-13:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Deep further discloses that the privacy feature can be enforced by any number of encryption procedures that are commercially available. The privacy feature is invoked once the chat room is closed to form an occupied room (see column 3, lines 30-38 of Deep).

Referring to claims 16, 32:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically

(see claim 1 above). Deep further discloses the means to display all chat rooms available to the user (see figure 3, element 62 of Deep).

Referring to claims 17, 33:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Deep further discloses the means to producing logs of the communication or interaction taking place within a private virtual room and storing the logs in a protected storage means (see figure 4, element 76 of Deep).

Referring to claim 18:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Deep further discloses that the logs are stored using a key known only to the apparatus (see figure 4, element 76 of Deep).

Referring to claim 34:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Deep further discloses the private virtual room accommodates three or more parties, a first one of the parties comprises a participant who issues the request to provide said virtual room and at least second and third ones of said parties comprise further participants present in the private virtual room with said first one of the parties (see column 3, lines 20-22; and column 2, line 62 to column 3, line 10; and column 4, lines 59-62 of Deep).

Referring to claims 35-37:

Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Deep further discloses the second and third ones of said parties are pre-screened against predetermined common criteria before being allowed to enter the private virtual room (see column 2, line 62 to column 3, line 10; and column 4, lines 59-62 of Deep).

Referring to claim 20:

Deep discloses the claimed subject matter: a method for providing a private virtual room within which two or more parties can communicate electronically (see claim 19 above). Deep further discloses:

Service provider establishes criteria for entry into said virtual room (see column 2, lines 63-67; and column 3, lines 1-6 of Deep);

A party requests entry to the virtual room from the service provider (see figure 4, elements 10, 72 of Deep);

The service provider permits the party to enter the virtual room only if said party satisfies said established criteria for entry (see figure 5, element 100 of Deep).

Referring to claim 21:

Deep discloses the claimed subject matter: a method for providing a private virtual room within which two or more parties can communicate electronically (see claim 19 above). Deep further discloses that the criteria for entry are established by the request to provide a virtual room (see column 2, lines 63-67; and column 3, lines 1-6 of Deep).

Referring to claim 22:

Deep discloses the claimed subject matter: a method for providing a private virtual room within which two or more parties can communicate electronically (see claim 19 above). Deep further discloses that the criteria for entry are established in accordance with predetermined criteria for the proposed purpose of the virtual room (see abstract, lines 4-7 of Deep).

Referring to claim 25:

Deep discloses the claimed subject matter: a method for providing a private virtual room within which two or more parties can communicate electronically (see claim 19 above). Deep further discloses that the request comprises a user-specified purpose for the virtual room (see column 3, lines 50-50 of Deep).

Referring to claim 28:

Deep discloses the claimed subject matter: a method for providing a private virtual room within which two or more parties can communicate electronically (see claim 19 above). Deep further discloses:

A party requesting the service provider to allow that party to enter said virtual room (see figure 4, elements 10, 72 of Deep);

The service provider defining criteria for entry into said virtual room (see column 2, lines 63-67; and column 3, lines 1-6 of Deep);

Permitting the party to enter said virtual room only if the party satisfies said predetermined common criteria (see figure 5, element 100 of Deep).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 7-10, 14-15, 23-24, 26-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deep (U.S. Patent No. 6,393,412) in view of Ta et al. (U.S. Patent No. 6,931,545).

Referring to claims 3, 7, 23:

i. Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). However, Deep does not specifically mention that the apparatus further comprises means for running said virtual room within its own physically and logically protected computing environment.

ii. Ta et al. disclose a system wherein the system establishes a physically and logically protected computing environment (see figure 14, element S430 of Ta et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ta et al. into the apparatus of Deep to establishes a physically and logically protected computing environment.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Ta et al. into the system of Deep to establishes a physically and logically protected computing environment, because it is especially preferred that the chat rooms of the present invention be private so that confidential information can be exchanged between the parties without the risk of exposure to unauthorized third parties (see column 3, lines 29-32 of Deep).

Referring to claims 4, 8, 24:

Deep and Ta et al. discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). Ta et al. further discloses that the apparatus further comprises means for verifying the integrity of data within the or each said environment (see figure 14, element S440 of Ta et al.).

Referring to claim 9:

i. Deep teaches:

An apparatus for providing a private virtual room within which three or more pre-screened parties communicate electronically, the parties being pre-screened against common predetermined criteria, the apparatus comprises means for providing at least one virtual room (see figure 3, element 62; and column 3, lines 20-22; and column 4, lines 59-62 of Deep).

However, Deep does not specifically mention that the apparatus further comprises means for running said virtual room within its own physically and logically protected computing environment, and the means for verifying the integrity of data within the or each said environment.

ii. Ta et al. disclose a system wherein the system establishes a physically and logically protected computing environment (see figure 14, element S430 of Deep); and comprises the means for verifying the integrity of data within the or each said environment (see figure 14, element S440 of Ta et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ta et al. into the apparatus of Deep to establishes a physically and logically protected computing environment. And it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ta et al. into the apparatus of Deep to comprises the means for verifying the integrity of data within the or each said environment.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Ta et al. into the system of Deep to establishes a physically and logically protected computing environment, because it is especially preferred that the chat rooms of the present invention be private so that confidential information can be exchanged between the parties without the risk of exposure to unauthorized third parties (see column 3, lines 29-32 of Deep). And The ordinary skilled person would have been motivated to have applied the teaching of Ta et al. into the system of Deep to comprises the means for verifying the integrity of data within the or each said environment, because it is especially preferred that the chat rooms of the present invention be private so that confidential information can be exchanged between the parties without the risk of exposure to unauthorized third parties (see column 3, lines 29-32 of Deep).

Referring to claims 10, 29:

Deep and Ta et al. discloses the claimed subject matter: An apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 9 above). Ta et al. further discloses that the apparatus further comprises means for determining if a computing platform includes a logically and physically protected computing environment (see figure 14, element S490 of Ta et al.).

Referring to claims 14-15, 30-31:

i. Deep discloses the claimed subject matter: an apparatus for providing a private virtual room within which two or more parties can communicate electronically (see claim 1 above). However, Deep does not specifically mention that

the apparatus includes means for performing integrity checks on its hardware and software when providing a private virtual room.

ii. Ta et al. disclose a system wherein the system performs checks on its hardware and software (see figure 14, element S490 of Ta et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ta et al. into the apparatus of Deep to perform integrity checks on the hardware and software when providing the private virtual room.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Ta et al. into the system of Deep to perform the integrity checks on the hardware and software when providing the private virtual room, because it is especially preferred that the chat rooms of the present invention be private so that confidential information can be exchanged between the parties without the risk of exposure to unauthorized third parties (see column 3, lines 29-32 of Deep).

Referring to claim 26:

i. Deep teaches:

An apparatus for providing a private virtual room within which two or more parties can communicate electronically, the method comprising the steps of a service provider providing at least one virtual room (see figure 3, element 62; and column 3, lines 20-22 of Deep), and verifying the legitimacy of uses made of said at least one virtual room (see column 4, lines 59-62 of Deep).

However, Deep does not specifically mention the service provider running said virtual room within its own physically and logically protected computing environment, and verifying both the integrity of data within the or each said environment.

ii. Ta et al. disclose a system wherein the system establishes a physically and logically protected computing environment (see figure 14, element S430 of Deep); and comprises the means for verifying the integrity of data within the or each said environment (see figure 14, element S440 of Ta et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ta et al. into the apparatus of Deep to establishes a physically and logically protected computing environment. And it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ta et al. into the apparatus of Deep to comprises the means for verifying the integrity of data within the or each said environment.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Ta et al. into the system of Deep to establishes a physically and logically protected computing environment, because it is especially preferred that the chat rooms of the present invention be private so that confidential information can be exchanged between the parties without the risk of exposure to unauthorized third parties (see column 3, lines 29-32 of Deep). And The ordinary skilled person would have been motivated to have applied the teaching of Ta et al. into the system of Deep to comprises the means for verifying the integrity of data within the or each said environment, because it is especially preferred that the chat rooms of the present invention be private so that confidential information can be exchanged between the parties without the risk of exposure to unauthorized third parties (see column 3, lines 29-32 of Deep).

Referring to claim 27:

Deep and Ta et al. discloses the claimed subject matter: a method for providing a private virtual room within which two or more parties can communicate electronically (see claim 26 above). Deep further discloses:

receiving a request from at least one party to provide said virtual room, said request including information regarding the proposed purpose of said virtual room (see column 2, lines 63-67; and column 3, lines 1-10 of Deep);

providing said virtual room only if said proposed purpose meets one or more predetermined criteria (see column 4, lines 59-62 of Deep).

Response to Arguments

6. Applicant's arguments filed on January 4, 2006 have been fully considered but they are not persuasive.

Applicant argues:

"it is not understood where Deep teaches "said request including information regarding the proposed purpose of said virtual room" as specifically recited in claim 1." (see page 1, Applicant Arguments/Remarks).

Examiner maintains:

Deep discloses "The service brokerage establishes a relationship with multiple service providers. As part of this process, the service brokerage can develop an information file that is specific to an individual service provider. This file can contain a variety of information, such as the qualifications or references of the service provider, preferences of the service provider, areas of specialization of the service provider, dates the service provider is available, the time zone from which the service provider will be providing its services, limitations the service provider places on access to its services, rates of the service provider for its services, and so forth. Once the service brokerage has a relationship with a service provider, the service brokerage can assign the service provider its own chat room and, if appropriate, its own service provider account." (see column 2, line 62 to column 3, line 10 of Deep). Therefore, the information file that is specific to an individual service provider contains the proposed purpose for the chat room [e.g., 'preferences of the service provider', 'areas of specialization of service provider', etc.].

Applicant argues:

So it seems that the service provider can indicate that "the chat room is available for any purpose whatsoever?" (see page 8, Applicant Arguments/Remarks).

Examiner maintains:

Deep discloses "In an especially preferred embodiment, the user profile and user criteria can be combined to allow more accurate matches of the user to a desired service provider." (see column 4, lines 59-62 of Deep). Therefore, a user won't be able to access a chat room unless the user's profile and criteria match the desired service provider [i.e., 'pre-screened'].

Applicant argues:

"Claim 9 has been amended to recite that "three or more pre-screened parties communicate electronically, the parties each being pre-screened against common predetermined criteria" which is clearly different than Deep" (see page 2, Applicant Arguments/Remarks).

Examiner maintains:

Deep discloses "In an especially preferred embodiment, the user profile and user criteria can be combined to allow more accurate matches of the user to a desired service provider." (see column 4, lines 59-62 of Deep). Therefore, Deep teaches the pre-screened parties. Deep further discloses "For example, several service providers currently provide chat rooms where multiple parties can gather and send messages to anybody within the group" (see column 3, lines 20-22 of Deep). Therefore, Deep discloses that three or more pre-screened parties [i.e., 'multiple parties'] communicate electronically.

Conclusion

7, Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan
March 18, 2006


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100